



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: 038602/1153

In re patent application of

MOON *et al.*

Serial No.: 09/863,804

Group Art Unit: 1626

Filed: May 24, 2001

Examiner: R.L. Anderson

For: MANNICH BASE PRODRUGS OF 3-(PYRROL-2-L-METHYLIDENE)-2-INDOLINONE DERIVATIVES

RESPONSE TO A RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Office Action mailed April 5, 2002, please enter the following remarks.

This Response is being filed within the shortened statutory period of 1 month from the mailing of the Office Action. Therefore, Applicants believe that no extensions of time are necessary to prevent the abandonment of this application. If, however, extensions of time are deemed necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Deposit Account No. 19-0741.

REMARKS

Applicants provisionally elect Group I, claims 1 - 23, with traverse. Applicants traverse the restriction requirement on the ground that there is no undue burden on the Examiner to examine Groups I, II and III together. It is respectfully submitted that pursuant to the Official Gazette notice of March 26, 1996, which establishes guidelines for treatment of product and process claims in light of *In re Ochiai*, claims drawn to methods (claims 24 - 31) should be included herein for consideration on the merits. At the minimum, method of use claims and process of preparing claims of the same scope